



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBs0508/1
RAC:kmg:hmh

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 SENATE BILL 291**

March 10, 1998 – Offered by Representative STASKUNAS.

1 **AN ACT** *to amend* 303.01 (2) (em); and *to create* 303.01 (5m) of the statutes;
2 **relating to:** the operation of private businesses in state prisons.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 303.01 (2) (em) of the statutes, as affected by 1997 Wisconsin Acts
4 27 and 36, is amended to read:

5 303.01 (2) (em) ~~Lease~~ Subject to sub. (5m), lease space, with or without
6 equipment, within the precincts of state prisons, as specified in s. 302.02, or within
7 the confines of correctional institutions operated by the department for holding in
8 secure custody persons adjudged delinquent, to not more than 6 private businesses
9 to employ prison inmates and institution residents to manufacture products or
10 components or to provide services for sale on the open market. The department shall
11 comply with s. 16.75 in selecting businesses under this paragraph. The department

1 may enter into a contract under this paragraph only with the approval of the joint
2 committee on finance. The department shall consult with appropriate trade
3 organizations and labor unions prior to issuing requests for proposals and prior to
4 selecting proposals under this paragraph. Each such private business may conduct
5 its operations as a private business, subject to the wage standards under sub. (4), the
6 disposition of earnings under sub. (8), the requirements for notification and hearing
7 under sub. (1) (c), the requirement for prison industries board approval under s.
8 303.015 (1) (b) and the authority of the department to maintain security and control
9 in its institutions. The private business and its operations are not a prison industry.
10 Inmates employed by the private business are not subject to the requirements of
11 inmates participating in prison industries, except as provided in this paragraph;

12 **SECTION 2.** 303.01 (5m) of the statutes is created to read:

13 303.01 (5m) PROHIBITED CONTRACTS. The department may not enter into any
14 contract under sub. (2) (em) that does any of the following:

15 (a) Prohibits the department from entering into contracts with any other
16 private business under sub. (2) (em).

17 (b) Permits a prison inmate or institution resident, pursuant to his or her duties
18 for the private business, to have access to an individual's social security number,
19 credit card, as defined in s. 421.301 (15), or any legal tender.

20 **SECTION 3. Initial applicability.**

21 (1) This act applies to contracts to operate private businesses and employ
22 prison inmates or institution residents under section 303.01 (2) (em) of the statutes
23 that are entered into or renewed on or after the effective date of this subsection.

24 (END)